

REMARKS**I. STATUS OF THE CLAIMS**

Claims 1-15 are currently pending in the subject patent application. Claims 8-15 are rejected as anticipated under 35 U.S.C. § 102(e) over U.S. Patent Application 2004/0122781 to Barrows ("Barrows"). Claims 1-7 stand rejected as obvious over Barrows.

II. CLAIM REJECTIONS § 102(E)

Claims 8-15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Barrows. As noted by the Examiner, the Barrows reference is commonly assigned along with the instant application to Pitney Bowes.

Applicants submit that Barrows does not disclose all of the elements recited in independent claim 8. The rejected claims and Barrows both relate to the accounting concept of "balancing" in connection with producing large quantities of mailpieces. However, the things being balanced and the steps responsive to such balancing are different. In Barrows, the balancing is being done on postage funds spent in connection with applying postage marks on mail pieces. Using the Barrows invention, a mailer can account for the money being spent on postage.

In the rejected claims, the "balancing" is being performed to determine the disposition and integrity of the physical mail pieces in a large mail run. If the disposition of physical mail pieces cannot be determined, then there may be a problem. In order to maximize productivity, claim 8 recites "submitting the completed subset for delivery prior to finishing balancing for all subsets in the mail run." Thus, claim 8 is clearly directed to accounting, disposition, and delivery of physical mailpieces. The Barrows reference does not disclose this step.

Thus it is submitted that the rejection of claim 8 should be withdrawn, along with its dependent claims 9-15.

III. CLAIM REJECTIONS § 103(A)

Claims 1-7 stand rejected under 35 U.S.C. § 103(a) as obvious over Barrows. As noted by the Examiner above, Barrows is asserted as prior art under § 102(e). Also, the Examiner has noted that Barrows and the present application are under common assignment. As such, it is submitted that 35 U.S.C. § 103(c) is applicable, and Barrows may not be asserted to preclude patentability under § 103. Accordingly, this rejection of claims 1-7 should be withdrawn.

IV. CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that pending claims 1-15 are in condition for allowance and favorable action thereon is requested. If the Examiner should have any questions, please contact the undersigned attorney.

Respectfully resubmitted,



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